

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Pentecostal Temple Development Corporation	)	File No.: EB-FIELDNER-15-00019082
	)	
Licensee of AM Station WGBN	)	NOV No.: V201532400004
Owner of Antenna Structure Nos. 1026648,	)	
1026649, 1026650, and 1026651	)	
	)	
Lincoln Borough, Pennsylvania	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 4, 2015**

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)<sup>1</sup> to Pentecostal Temple Development Corporation (Pentecostal), licensee of AM Station WGBN serving McKeesport, Pennsylvania and owner of antenna structure numbers 1026648, 1026649, 1026650, and 1026651 (Antenna Structures) in Lincoln Borough, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On April 28, 2015 and April 29, 2015, an agent of the Enforcement Bureau’s Philadelphia Office inspected the Antenna Structures located off of West Calhone Road in Lincoln Borough, Pennsylvania and observed the following violations:

- a. 47 C.F.R. § 73.1350(a): “Each licensee is responsible for maintaining and operating its broadcast station in a manner . . . in accordance with the terms of the station authorization.” On April 28, 2015 at 8:50 p.m., the agent observed that Station WGBN was not operating with its nighttime facilities. The Station’s Operation Manager confirmed that for at least the past several months, Pentecostal has been ceasing operation between sunset and sunrise and operating as a daytime only station.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 17.4(g): "... the Antenna Structure Registration Number must be displayed so that it is conspicuously visible and legible from the publicly accessible area nearest the base of the antenna structure along the publicly accessible roadway or path...." The Antenna Structure Registration Numbers were not posted at the base of the Antenna Structures.
- c. 47 C.F.R. § 17.51 (a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." Antenna structure numbers 1026648 and 1026650 must be painted and lit in accordance with FCC Paragraphs 1, 3, 12, and 21. These paragraphs specify a red obstruction lighting system that includes a top level beacon and at least two side globes on levels approximately two-thirds and one-third of the overall height of the antenna structures. During the night-time observations on April 28, 2015, the agent found that all the side globes were extinguished on Antenna Structure number 1026650 and one of the two side globes on both the one-third and two-thirds levels were extinguished on antenna structure number 1026648.
- d. 47 C.F.R. § 17.50: "Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility." The agent observed that the paint was so severely faded and chipped that it no longer provided good visibility.
- e. 47 C.F.R. § 73.49: "Ready access must be provided to each antenna tower base for meter reading and maintenance purposes at all times." At the time of the inspection, the agent found that access to the base of each Antenna Structure was restricted by overgrown vegetation.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> Section 403 of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Pentecostal must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>5</sup>

4. In accordance with Section 1.16 of the Rules, we direct Pentecostal to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Pentecostal with personal knowledge of the representations provided in Pentecostal's

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 U.S.C. § 403.

<sup>5</sup> 47 C.F.R. § 1.89(c).

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response, verifying the truth and accuracy of the information therein,<sup>6</sup> and confirming that all of the information requested by this Notice which is in Pentecostal's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>7</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Pentecostal Temple Development Corporation at its address of record.

7. The Privacy Act of 1974<sup>8</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
District Director  
Philadelphia Office  
Northeast Region  
Enforcement Bureau

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<sup>6</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>7</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>8</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).